

BOARD OF ADJUSTMENT APPLICATION
PACKET FOR

VARIANCES

UNIFIED DEVELOPMENT CODE
(*UDC*)

Available online but not included with this application

- Fee Schedule
- BA & DRB Process Deadlines and Meeting Schedules
- Mailing Label Request Form
- Posting Requirements and Affidavit
- Design Review Board Application – also necessary if applying for Landscape/Screen Variance or SCZ Variance applications

BOARD OF ADJUSTMENT (BA) APPLICATION FREQUENTLY ASKED QUESTIONS

Who Approves The Variances?

The Board of Adjustment is a quasi-judicial body comprised of lay people appointed by Mayor and Council to hear and decide variance requests. Decisions by the Board of Adjustment (B/A) can be appealed to the Pima County Superior Court. Given the legal nature of this zoning process it is important that each applicant read and follow the submittal steps as provided in this packet.

How Long Does This Process Take?

The typical Board of Adjustment application process takes from 2-1/2 to 3 months to complete from beginning to end. The B/A application processing time does not include the time PDSD Zoning Review Staff needs to review a project plan and generate the final *Unified Development Code (UDC)* compliance review comments required for your application submittal.

What Are The Steps?

1. Obtain final not preliminary *Unified Development Code (UDC)* compliance review comments for your project from the City of Tucson Planning and Development Services Department (PDSD), 1st Floor City/County Public Works Building, 201 North Stone Avenue. This application process assumes you already have these formal comments.
- 2.
3. Related *UDC* application processes (e.g. Special Exception, Scenic Corridor Zone, Historic Preservation Zone, etc.) must be completed prior to submittal to the Board of Adjustment.
4. Obtain official Board of Adjustment mailing labels from PDSD Zoning Administration Staff, 2nd Floor Office Public Works Building, 201 North Stone Avenue.
5. Using these official mailing labels, per requirements, mail a notice letter to all affected parties. This notice should include a description of your project and variance request(s), an offer to meet onsite, and information about the Board of Adjustment hearing. Don't forget to get "proof of mailing" when you mail the letters.
6. Hold your onsite meeting with those affected parties interested in the application. Provide a sign-in sheet and prepare a summary of what was discussed.
7. Referring to the "Submittal Checklist" assemble the required items for application submittal.
8. Contact PDSD Zoning Administration Staff to schedule an appointment for submittal of the application. **Applications may not be dropped off.** You must be present to answer staff questions. Please allow up to 30 minutes for staff to review the application for completeness and acceptance.
9. Post the site and submit the Public Notice Posting Affidavit and attachments to staff.
10. Attend the DRB meeting and/or Board of Adjustment hearing.

Poorly prepared or incomplete submittals will not be processed and will be returned to the applicant.

For Zoning and Subdivision review, the Unified Development Code (UDC) applies to this application. If you feel the Land Use Code (LUC) should apply, please consult with Zoning review staff. Applicable timeframes can be provided at your request or found in Administrative Manual Sec. 3-02 or found on our website at <http://cms3.tucsonaz.gov/pdsd>. For information about applications or applicable policies and ordinance, please contact Mark Castro at 791-5550.

By state law, we cannot initiate a discussion with you about your rights and options, but we are happy to answer any questions you might have.

VARIANCE SUBMITTAL REQUIREMENTS - FOR STAFF USE ON FILING DAY

Date Filed: _____

Case Number: C10-____ - _____

Reviewed by: _____

BA public hearing date: _____

Project Name: _____

Project Address: _____ Zone: _____

- ☐ **BOARD OF ADJUSTMENT APPLICATION FORM**
(Signed by the Property Owner or Authorized Agent - include letter of authorization)
- ☐ **BOARD OF ADJUSTMENT FINDINGS ATTACHMENT**
(All Findings "1" through "7" must be answered in full)
- ☐ **APPLICANT'S VARIANCE LIST TO THE BOARD**
(Numbered list indicating UDC regulation - What this regulation requires - What is actually provided)
- ☐ **PROJECT DESCRIPTION**
(Narrative description of project by the applicant)
- ☐ **RELATED UDC PROCESS DECISION OR RECOMMENDATION LETTERS**
(ParkWise TEAM, Historic Plans Review Subcommittee, Special Exception, SCZ, Rezoning, etc.)
- ☐ **FINAL UDC (zoning) COMPLIANCE REVIEW COMMENTS**
(Final UDC compliance review comments made on Permit card, CDRC Comments or by Memo)
- ☐ **PROOF OF APPLICANT'S MAIL NOTICE AND MEETING**
(Proof of mailing - Copy of letter to neighbors - Summary of onsite meeting with sign-in sheet)
- ☐ **15 FOLDED COPIES OF PROJECT SITE PLAN***
(Detailed plan that was submitted to PDS for final *UDC* compliance review comments)
- ☐ **15 FOLDED COPIES OF PROJECT BUILDING ELEVATION AND/OR FLOOR PLANS**
(If applicable to the project's variance request - Ask Zoning Admin staff at PDS if unsure)
- ☐ **15 FOLDED COPIES OF PROJECT LANDSCAPE PLAN**
(If applicable to the project's variance request - Ask Zoning Admin staff at PDS if unsure)
- ☐ **IF FULL SIZE PLANS ARE PROVIDED ALSO INCLUDE ONE (1) EACH AT 11" x 17"**
- ☐ **PIMA COUNTY ASSESSOR'S PROPERTY PRINTOUT(S)**
- ☐ **PIMA COUNTY ASSESSOR'S LOT AND BLOCK MAP**
- ☐ **OTHER:** _____
- ☐ **BOARD OF ADJUSTMENT FILING FEES**

Applications to the B/A that include **LANDSCAPE, SCREEN or SCENIC ROUTE** variances or **APPEALS** must also submit an application for Design Review Board (DRB) review. Include the following:

DRB SUBMITTAL ITEMS (**DRB-** ____ - _____ **for:** _____).
Case Number Meeting Date

- ☐ **DRB FILING FEES**
- ☐ **DRB APPLICATION FORM**
- ☐ **FINAL UDC COMPLIANCE REVIEW COMMENTS**
- ☐ **APPLICANT'S VARIANCE/DDO LIST TO THE DRB**
- ☐ **PROJECT INFORMATION ATTACHMENT**
- ☐ **8 SETS OF PROPERTY PHOTOS**
- ☐ **8 SETS OF PROJECT SITE AND/OR BUILDING ELEVATION PLANS**
- ☐ **8 SETS OF PROJECT LANDSCAPE PLANS**
- ☐ **IF FULL SIZE PLANS ARE PROVIDED ALSO INCLUDE ONE (1) EACH AT 11" X 17"**
- ☐ **PIMA COUNTY ASSESSOR'S PROPERTY PRINTOUT(S)**
- ☐ **PIMA COUNTY ASSESSOR'S LOT AND BLOCK MAP**
- ☐ **OTHER:** _____

SUBMITTAL COMMENTS BY STAFF: _____

BOARD OF ADJUSTMENT APPLICATION

PROPERTY INFORMATION

PROJECT NAME: _____

(For example: Al's Bar & Grill, Brown Residence Carport Addition, or Palo Verde Shopping Center, etc.)

PROJECT ADDRESS: _____

(Note: If the site is vacant ask Pima Co. Addressing, 201 N. Stone, for an Administrative Address)

ZONING OF PROPERTY e.g. R-1, C-2, O-3, I-1 Authorized, etc: _____

PROJECT TYPE (check all that apply):

☐ New building on vacant land

☐ New building on developed land

☐ New addition to existing building

☐ Change of Use to existing building

☐ Existing building needs permits

☐ Other _____

RELATED APPLICATIONS (check all that apply and provide case numbers):

☐ Board of Adjustment C10- _____

☐ HPZ _____

☐ DDO _____

☐ Rezoning C9- _____

☐ SE _____

☐ Other _____

LIST ALL RELATED PERMIT ACTIVITY NUMBER/S _____

APPLICANT INFORMATION:

AGENT (The person authorized to process the application on behalf of the property owner):

NAME: _____

ADDRESS/ZIP: _____

BUSINESS EMAIL: _____

BUS. PHONE: () _____ - _____

FAX: () _____ - _____

[PROPERTY OWNER/S (If ownership is in escrow, please note)]:

NAME: _____

MAILING ADDRESS: _____

ZIP: _____

[SIGNATURE OF PROPERTY OWNER OR ATTACH LETTER OF AUTHORIZATION FOR AGENT]:

(NOTE: REQUIRED BY BOARD RULES)

ACTIVITY NUMBER: _____

B/A CASE NUMBER: C10- ____ - ____

BOARD OF ADJUSTMENT - REQUIRED FINDINGS

Arizona State Statutes and UDC Section 3.10.3.K. state that the Board may grant a variance only if the variance request complies with each and every one of these "Findings" in full. It is up to the applicant to explain to the Board how the request complies with each Finding. **Important Note:** Do not leave any "Finding" unanswered or marked "Not Applicable" or "N/A".

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;

2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property;

3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;

4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC;

5. That the granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood; and,

7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions that are in question.

B/A CASE NUMBER: C10- ____ - _____

Provide applicable UDC Section reference, what is required and what is proposed/provided for each variance requested.

[illegible]

6

Provide a description of the project including, but not limited to its lot area, square footage of proposed or existing structures, proposed use/s, is a multiphase project, etc. If this project is the subject of a rezoning or special exception request, HPZ review, or a zoning violation, please provide current status of that case.

[illegible]

7

UNIFIED DEVELOPMENT CODE COMPLIANCE REVIEW COMMENTS

1. Submit the plans for site plan review. Staff will review your project for compliance with applicable Codes and generate the first round of review comments. For the purpose of this application, these are considered to be preliminary comments.
2. Make the necessary corrections to the plans and respond to staff review comments. Indicate in your response which items will be addressed through the variance process.
3. Re-submit the revised plans and written response to comments. Typically, this next round of zoning review comments will be the final UDC compliance review comments necessary for the variance application process, assuming you have addressed all of the prior comments. You may initiate the variance application process once you have received final UDC comments. Please note: Failure to fully address the preliminary review comments may result in the need for more than one resubmittal to obtain comments for this application process.

Please allow sufficient time to make corrections and resubmit to get final UDC comments. Review Staff is unable to take your resubmittal out of turn or hurry up your review for the sake of meeting a Board of Adjustment filing deadline.

RELATED APPLICATIONS AND REVIEWS

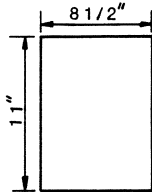
() If applicable, attach a copy of the decision letter from other application processes e.g. HPZ review or Design Development Option (DDO) application.

NOTICE TO AFFECTED PARTIES Attach the following:

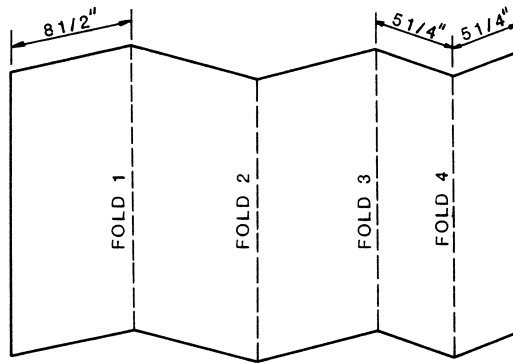
- () Summary of meeting discussion. Include date, time and place of meeting
- () Meeting sign-in sheet
- () Copy of notice mailed to affected parties
- () Proof of Mailing which can be any of the following:
 - Certified mailing
 - US Post Office mailing forms
 - Mailing list stamped by postal clerk
- () Other – e.g. Neighborhood Association meeting minutes, if applicable

STEP 1

Using an 8 1/2" X 11" size sheet of paper as a guide, make folds 1, 2, and 3.



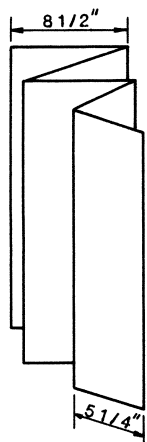
This instruction sheet is 8 1/2" X 11" size.



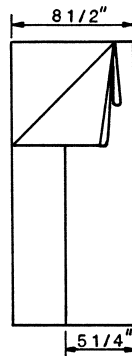
STEP 2

Fold the remaining 10 1/2" in half; this completes fold number 4.

STEP 3

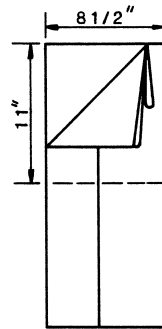


With the 5 1/4" fold to the right

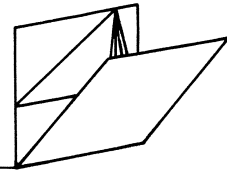


Fold down the corner, all but the last panel.

STEP 4

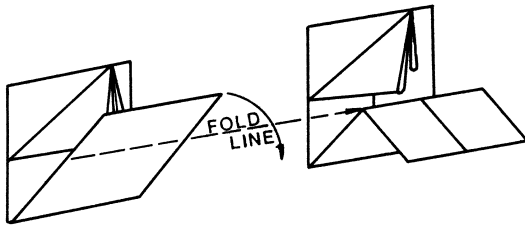


FOLD LINE



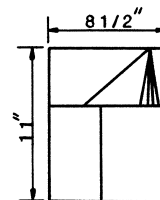
Fold the lower portion up.

STEP 5



Fold the front part in half.

STEP 6



The folded print should be 8 1/2" X 11".